



NOAA Fisheries

National Marine Fisheries Service



GUIDE FOR COMPLYING WITH THE REGULATIONS FOR ATLANTIC TUNAS, SWORDFISH, SHARKS, AND BILLFISH

June 2002

Atlantic highly migratory species (HMS) such as tunas, swordfish, sharks, and billfish are managed by the National Marine Fisheries Service (NMFS) under the authority of the Secretary of Commerce with consideration of the domestic and international aspects of these fisheries.

The Fishery Management Plan for Atlantic tunas, swordfish and sharks (HMS FMP) was developed for the integrated management of those HMS within the Atlantic Ocean and adjacent waters. Amendment One of the Atlantic Billfish Fishery Management Plan (FMP) was developed in coordination with the HMS FMP to manage Atlantic billfish in the Atlantic Ocean and adjacent waters. The strategies and objectives of the HMS FMP and Amendment One to the Billfish FMP are similar to and consistent with one another.

Both the HMS FMP and Amendment One to the Billfish FMP were finalized in April 1999. Since that time, additional regulations for these species have been finalized. This 2002 Guide amends the original *Small Entity Compliance Guide for HMS* published in June 1999 and any *Small Entity Compliance Guides* for individual rules published since June 1999 and produced

in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act. This Guide is intended to provide a plain-language summary of how to comply with the regulations for Atlantic tunas, swordfish, sharks, and billfish.

For the official and complete set of regulations, see 50 CFR part 635 and the *Federal Register*. Since fishery rules frequently change, fishermen must familiarize themselves with the latest complete regulations and are responsible for complying with the current official regulations. If there is a discrepancy between the regulations in 50 CFR part 635 and the answers given in this Guide, the regulations will take precedence.

You can request a copy of a particular rule or current updates by calling the NMFS HMS Management Division at (301) 713-2347 or by viewing the HMS website at www.nmfs.noaa.gov/sfa/hmspg.html. A summary of the regulations is also available on the Tuna Information Line at (888) 872-8862 or the HMS Information Line at (800) 894-5528.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

TABLE OF CONTENTS

I.	GEAR DEFINITIONS	2
II.	GENERAL GEAR RESTRICTIONS	3
III.	PELAGIC LONGLINE GEAR RESTRICTIONS	4
IV.	COMMERCIAL SHARK FISHING	7
V.	COMMERCIAL TUNA FISHING	10
VI.	COMMERCIAL SWORDFISH FISHING ..	14
VII.	HMS DEALERS AND IMPORTERS	16
VIII.	RECREATIONAL SHARK FISHING	17
IX.	RECREATIONAL TUNA FISHING	19
X.	RECREATIONAL SWORDFISH FISHING	21
XI.	BILLFISH FISHING	22
XII.	CHARTER/HEADBOAT FISHING	24
XIII.	HMS TOURNAMENTS	25
XIV.	HMS EXEMPTED FISHING PERMITS ..	25
XV.	HMS OBSERVER COVERAGE	26
XVI.	UPCOMING RULES AND EVENTS	26
XVII.	CONTACT LIST	27

I. GEAR DEFINITIONS

Q1: *What gear types can I use in HMS fisheries?*

A: Generally, pelagic longline, bottom longline, handline, harpoon, rod and reel, bandit gear, shark gillnet, and purse seine are acceptable in HMS fisheries. However, the actual gear type allowed depends on the type of fishing you are conducting (commercial or recreational) and what species you are targeting. Please see the appropriate section later in this guide to determine which gear types you can use.

Q2: *What is longline gear?*

A: Longline gear is gear that is set horizontally, either anchored, floating, or attached to a vessel, and that consists of a mainline with three or more gangions or hooks. This gear can be retrieved by hand or by mechanical means.

Q3: *What is pelagic longline gear?*

A: Pelagic longline gear is defined as a longline that is suspended by floats in the water column and that is not fixed to or in contact with the ocean bottom. Your vessel has pelagic longline on board when:

1. A power-operated longline hauler,
2. A mainline,
3. Floats capable of supporting the mainline, and
4. Leaders (gangions) with hooks

are on board. Removing any one of these four elements from the vessel constitutes removal of pelagic longline gear.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Q4: *What is bottom longline gear?*

A: Bottom longline gear is longline gear that is not suspended in the water with floats. Bottom longline gear generally uses weights to ensure that the gear is placed on or close to the ground.

Q5: *What is handgear?*

A: Handgear means handline, harpoon, rod and reel, or bandit gear.

Q6: *What is a handline?*

A: Handline is gear that consists of a mainline to which no more than two gangions or hooks are attached. Handline is retrieved by hand, not by mechanical means.

Q7: *What is a harpoon?*

A: A harpoon is fishing gear that consists of a pointed dart or iron attached to the end of a line several hundred feet in length, the other end of which is attached to a floatation device. Harpoon gear is attached to a pole that is propelled only by hand and not by mechanical means.

Q8: *What is rod and reel?*

A: Rod and reel consists of a handheld fishing rod with a manually or electronically operated reel attached.

Q9: *What is bandit gear?*

A: Bandit gear is a vertical hook and line gear with rods that are attached to the vessel when in use. Lines can be retrieved by hand or mechanical means.

Q10: *What is hook and line gear?*

A: Hook and line means one or more hooks attached to one or more lines (can include a troll).

Q11: *What is a shark gillnet?*

A: A gillnet is a panel of netting suspended vertically in the water. Under the large whale regulations (50 CFR part 229), a person is shark gillnetting if they are fishing in waters south of the South Carolina/Georgia border with a gillnet that has five inches or greater of stretched mesh.

Q12: *What is a purse seine?*

A: A purse seine is a floated and weighted encircling net that is closed by means of a drawstring threaded through the bottom of the net.

II. GENERAL GEAR RESTRICTIONS

Q1: *Do I have to mark my fishing gear?*

A: Yes. You must mark your handline, harpoon, longline, and gillnet floats with the vessel's registration number, vessel name, or Atlantic Tunas permit number.

Q2: *Are there time/area closures in HMS fisheries?*

A: Yes. Most time/area closures relate only to fishermen using pelagic longline gear and can be found in the pelagic longline section below. However, there are other time/area closures that restrict HMS fishermen. Some of these closures include:

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

1. The Oculina Banks: fishing with a bottom longline, bottom trawl, dredge, pot, or trap is prohibited in the Oculina Bank by non-HMS regulations. The area is bounded on the north by 27°53'N, on the south by 27°30'N, on the east by 79°56'W, and on the west by 80°00'W;

2. Southeast Right Whale Calving Area: shark gillnet fishing is prohibited by the large whale regulations each year from November 15 to March 31 in the area from 27°51'N latitude (near Sebastian Inlet, FL) to 32°00'N latitude (near Savannah, GA) extending from the shore outward to 80°W longitude;

3. As part of the Southeast Right Whale Calving Area, 100 percent observer coverage is required by the large whale regulations for the use of gillnets in the area from West Palm Beach (26°46.5'N latitude) to Sebastian Inlet (27°51'N latitude) from November 15 through March 31 and for the use of strikenets in the area between West Palm Beach, FL, and Savannah, GA, from November 15 to March 31 each year; and,

4. Other Marine Protected Areas: throughout the United States there are a number of marine protected areas that may affect fishing activities. More information on marine protected areas can be found at <http://mpa.gov/welcome.html>.

Q3: *If I am fishing in parts of the Atlantic outside the U.S. EEZ, do I have to comply with U.S. domestic regulations?*

A: Depending on your circumstances, the answer to this question may change. Generally, U.S. flagged vessels are required to comply with U.S. domestic regulations that pertain to

Atlantic HMS while fishing anywhere in the Atlantic. Some U.S. citizens, even on foreign flagged vessels, may need an exempted fishing permit. Please call HMS Headquarters at (301) 713-2347 to discuss your specific situation.

Q4: *Do federal regulations apply if I am fishing for HMS in state waters?*

A: Both the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act have provisions that allow NMFS to apply regulations to state waters. However, the regulations are species- and situation-specific. Please call HMS Headquarters at (301) 713-2347 for more information.

III. PELAGIC LONGLINE GEAR RESTRICTIONS

Q1: *What permits do I need in order to use pelagic longline gear in HMS fisheries?*

A: To fish with pelagic longline gear, you must possess all three of the HMS permits listed below. These permits are:

1. a directed or incidental swordfish permit (a swordfish handgear permit is not acceptable);
2. a directed or incidental shark permit; and,
3. a tuna Longline category permit.

All the permits must be valid and up-to-date. These permits are administered under a limited access program. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on permit renewals and transfers, please contact the Southeast

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Region Permit Office at (727) 570-5326.

Q2: *Are there time/area closures for pelagic longline gear?*

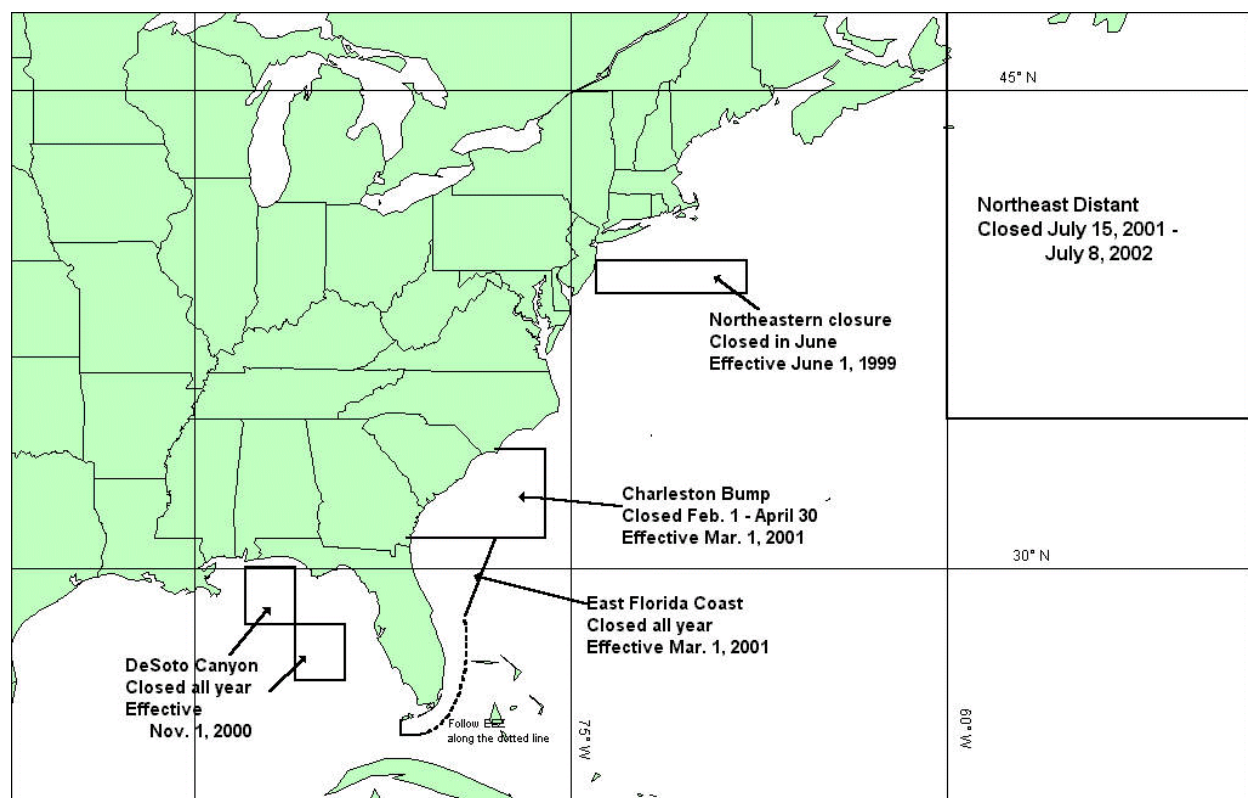
A: Yes. NMFS has closed a number of areas to fishermen with HMS permits who have pelagic longline gear on board. These are listed below and shown in the following figure.

1. The Northeastern United States closed area: this area is closed during the month of June each year. The coordinates are 39 to 40°N and 68 to 74°W;

2. The Charleston Bump closed area: this area is closed from February 1 through April 30 each year. The coordinates are: the Atlantic Ocean area seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 34°00' N.

lat. near Wilmington Beach, North Carolina, and proceeding due east to connect by straight lines the following coordinates in the order stated: 34°00' N. lat., 76°00' W. long.; 31°00' N. lat., 76°00' W. long.; then proceeding due west to intersect the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia;

3. The Florida East Coast closed area: this area is closed year-round. The coordinates are: the Atlantic Ocean area seaward of the inner boundary of the U.S. EEZ from a point intersecting the inner boundary of the U.S. EEZ at 31°00' N. lat. near Jekyll Island, Georgia, and proceeding due east to connect by straight lines the following coordinates in the order stated: 31°00' N. lat., 78°00' W. long.; 28°17' N. lat., 79°12' W. long.; then proceeding along the outer boundary of the EEZ to the intersection of the EEZ with 24°00' N. lat.; then



See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

proceeding due west to the following coordinates: 24°00' N. lat., 81°47' W. long.; then proceeding due north to intersect the inner boundary of the U.S. EEZ at 81°47' W. long. near Key West, Florida;

4. The DeSoto Canyon closed area: this area is closed year-round and consists of two squares offshore of the west coast of Florida. The coordinates are: 30°00' N. lat., 88°00' W. long.; 30°00' N. lat., 86°00' W. long.; 28°00' N. lat., 86°00' W. long.; 28°00' N. lat., 84°00' W. long.; 26°00' N. lat., 84°00' W. long.; 26°00' N. lat., 86°00' W. long.; 28°00' N. lat., 86°00' W. long.; 28°00' N. lat., 88°00' W. long.; 30°00' N. lat., 88°00' W. long.; and,

5. The Northeast Distant closed area: This area is closed by an emergency rule that expires on July 9, 2002. The coordinates are: 35° to 55° N. and 20° to 60° W. NMFS currently has a proposed rule to implement this closure fully.

Q3: *Why are there so many time/area closures for pelagic longline gear?*

A: Under the Magnuson-Stevens Fishery Conservation and Management Act, NMFS is required to minimize bycatch, to the extent practicable. Many gear types, particularly pelagic longline gear, catch a number of species as bycatch. These closures were implemented to reduce this bycatch on pelagic longline gear. The Northeastern closure was designed to reduce bluefin tuna discards; the Charleston Bump, East Florida Coast, and DeSoto Canyon closures were designed to reduce the discards of undersized swordfish, sharks, and other HMS; and the Northeast Distant closure is designed to reduce interactions with leatherback and loggerhead sea turtles. NMFS is examining methods of

reducing bycatch in all HMS and for all gear types.

Q4: *What happens if a marine mammal or sea turtle is entangled in my pelagic longline gear?*

A: If a marine mammal or sea turtle is hooked or entangled in your gear, you must release the animal, retrieve your gear, and move at least 1 nm from the location of the incident before you can resume fishing.

Q5: *How do I release a marine mammal or sea turtle that is entangled with my gear?*

A: You must carry line cutters and a dipnet on board your vessel in order to release entangled protected species. These line cutters and dipnets must meet NMFS specifications. For information regarding these specifications, please contact HMS Headquarters at (301) 713-2347. Additionally, you must post in your wheelhouse handling and release guidelines to assist you during such an incident. For copies of the handling and release guidelines, please contact HMS Headquarters or visit the HMS web page.

Q6: *Are there any other restrictions specific to pelagic longline gear?*

A: Yes. Fishermen using pelagic longline gear are prohibited from using live bait in the Gulf of Mexico. Specifically, a person aboard a vessel with pelagic longline on board shall not maintain live baitfish in any tank or well on board the vessel and shall not possess live baitfish or set up an aeration device on board the vessel. This restriction on live bait is designed to reduce the catch of billfish on pelagic longline gear. Additionally, HMS fishermen using pelagic longline gear are

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

restricted in the number of bluefin tuna they are allowed to possess and are not allowed to possess any billfish. There may be regulations that apply that are not specific to pelagic longline fishing. Please see other sections in this guide for those regulations.

Q7: *Do I need to have a working vessel monitoring system (VMS) on board my vessel?*

A: Not at this time but maybe in the future. In 1999, NMFS implemented regulations requiring vessels with HMS permits and pelagic longline gear on board to have a working VMS unit on board. Commercial fishermen sued NMFS regarding this regulation. In September 2000, the Court remanded this issue back to NMFS for reconsideration. In September 2001, NMFS submitted a document reaffirming the need for VMS in the HMS pelagic longline fishery. At this time, the Court has not made a final decision. Once the Court issues a final decision, NMFS will announce the decision and any information needed for fishermen to comply with the decision.

IV. COMMERCIAL SHARK FISHING

Q1: *If I am a fisherman who sells shark, do I need a permit?*

A: Yes, you need either a directed or incidental shark permit. These permits are administered under a limited access program. Under the limited access program, NMFS is no longer issuing new shark permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on permit renewals and transfers please contact the

Southeast Region Permit Office at (727) 570-5326.

Q2: *If I am a fisherman who lands more sharks than allowed under the recreational bag limit but I do not plan to sell my sharks, do I need a permit?*

A: Yes. If you land more sharks than is allowed under the recreational limit, you still need a commercial shark permit.

Q3: *Who can I sell sharks to?*

A: You can sell sharks to permitted dealers. Dealers can obtain a shark dealer permit by contacting the Southeast Region Permit Office at (727) 570-5326.

Q4: *What is the difference between directed and incidental limited access permits?*

A: A directed permit will allow fishermen to retain more sharks than an incidental permit. Generally, directed shark permits allow fishermen to target sharks while incidental permits allow fishermen who normally fish for other species to land a limited number of sharks.

Q5: *If I have a directed shark permit, is there a limit to the number of sharks I can keep per trip?*

A: Yes. You may keep 4,000 pounds dressed weight of large coastal sharks per trip. There is no directed retention limit for pelagic sharks or small coastal sharks. Additionally, you may not keep any sharks that are prohibited.

Q6: *If I have a shark incidental limited access permit, how many sharks may I keep per trip?*

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

A: You may keep 5 large coastal sharks per vessel per trip. You may also keep a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip. Additionally, you may not keep any sharks that are prohibited.

Q7: *What gears may I use to commercially catch sharks?*

A: You may use pelagic or bottom longline, gillnet, rod and reel, and handline.

Q8: *Are there any prohibited shark species?*

A: Yes. The 19 prohibited species are listed below. Fishermen are not allowed to possess these species. If you catch one, you must release it in the water with minimal injury to the shark in a method that maximizes its survival.

Prohibited shark species	
Atlantic angel	Night
Basking	Sevengill
Bigeye thresher	Sixgill
Bignose	Bigeye sixgill
Caribbean reef	Sand tiger
Caribbean sharpnose	Bigeye sand tiger
Dusky	Smalltail
Galapagos	Whale
Longfin mako	White
Narrowtooth	

Q9: *What shark species may I keep?*

A: Sharks are managed in different species groups. The species groups and the species within each group that may be caught are:

Group	Shark species that can be retained	
Large Coastal Sharks	Sandbar Tiger Spinner Bull Smooth hammerhead Scalloped hammerhead Great hammerhead	Silky Blacktip Lemon Nurse
Small Coastal Sharks	Atlantic sharpnose Finetooth	Blacknose Bonnethead
Pelagic Sharks	Shortfin mako Thresher Oceanic whitetip	Blue Porbeagle
Deepwater and other	Catsharks Dogfish (except spiny dogfish) Sawsharks Smoothhound	

Q10: *What is the fishing year for sharks?*

A: The shark fishing year is January 1 through December 31. The year is divided into 2 semi-annual seasons: the first is from January 1 to June 30, and the second from July 1 to December 31. NMFS announces the closure date for large coastal sharks prior to the start of each semi-annual season. The closure dates for pelagic and small coastal sharks are announced when these quotas are expected to be met.

Q11: *What is the annual quota for large coastal sharks?*

A: The annual quota is 1,285 metric tons (mt) dressed weight (dw). This is split into two equal portions of 642.5 mt dw for each semi-annual fishing season. Generally, the half of the quota allocated to the first semi-annual season lasts from January through March and the half of the quota allocated to the second semi-annual season lasts for several weeks between July and August. NMFS announces

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

the available quota and the length of the semi-annual season approximately 30 days before the start of the fishing season. Contact HMS Headquarters at (301) 713-2347 for current information regarding the closure date.

Q12: *What is the annual quota for pelagic sharks?*

A: There are three species sub-groups within the pelagic shark species group. Each sub-group has its own quota. The quotas are:

1. Pelagic sharks (shortfin mako, thresher, oceanic whitetip): 488 metric tons (mt) dressed weight (dw);
2. Porbeagle: 92 mt dw;
3. Blue: 273 mt dw.

As with the large coastal shark quota, these quotas are split evenly between the two semi-annual fishing seasons.

Q13: *What is the annual quota for small coastal sharks?*

A: The small coastal shark annual quota is 1,760 metric tons dressed weight. As with the large coastal and the pelagic shark quotas, this quota is split evenly between the two semi-annual fishing seasons.

Q14: *I am interested in catching sharks for use in aquariums. Is there a quota for public display sharks?*

A: Yes, there is a public display quota of 60 metric tons whole weight (43 metric tons dressed weight) for all species combined. You must also have an exempted fishing permit for this activity. Please see the exempted fishing

permit section at the end of the guide for more information.

Q15: *Are there any restrictions on fishing for sharks in the “deepwater and others” category?*

A: The only restriction, at this time, is the prohibition on finning these species.

Q16: *May I fin my sharks?*

A: Finning, the removal of fins from a shark and discarding the rest of the carcass, is prohibited for all fishing vessels under U.S. jurisdiction in the Atlantic Ocean, Gulf of Mexico, Caribbean Sea, and Pacific Ocean. This regulation applies to fishermen with a Federal shark permit in all waters including State waters and the high seas. However, commercial fishermen may remove fins as part of dressing the carcass in the commercial fishery. The wet weight of the fins in your possession or that you offload may not exceed 5 percent of the wet weight of the dressed carcasses.

Q17: *What are the reporting requirements for commercial shark fishermen?*

A: If NMFS sends you a letter telling you that you have been selected to complete logbook reports, you must complete a logbook within 48 hours of each day’s fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading. If NMFS sends you a letter telling you that you have been selected to carry an observer aboard your vessel, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer aboard in order to go fishing.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Q18: *Are there any minimum sizes for commercially caught sharks?*

A: At this time, there is no commercial size limit for large coastal sharks, pelagic sharks, small coastal sharks or deepwater and other sharks. However, NMFS expects the 2002 stock assessments for large and small coastal sharks to examine the need for a minimum size for these species groups.

V. COMMERCIAL TUNA FISHING

Q1: *If I want to fish for Atlantic tunas, do I need a permit?*

A: Yes, all vessel owners/operators fishing for Atlantic bluefin, bigeye, yellowfin, albacore, or skipjack tuna in the Atlantic, including the Gulf of Mexico and Caribbean Sea, must obtain a permit. The commercial permit categories are: General, Harpoon Boat, Purse Seine, Longline, and Trap. Only one category may be assigned to a vessel per year. NMFS will not issue any new Longline Category permits for tunas; you must purchase one from another fisherman if you wish to enter the fishery. If you have an Atlantic HMS Charter/headboat permit (required to take fee-paying passengers fishing for all managed HMS), you cannot also have an Atlantic tunas permit. For more information on Charter/headboat permits, see the Charter/headboat section below.

Q2: *How do I apply for an Atlantic tunas permit?*

A: Atlantic tunas permits can be obtained via the Internet, or by mailing in a application. See the NMFS Contact List at the end of this Guide

for more information.

Q3: *Do I need any other permits in addition to a tuna permit?*

A: If you have pelagic longline gear on board, you must have a tuna longline category permit, a swordfish limited access permit (directed or incidental only), and a shark limited access permit to fish for tunas. Commercial tuna permit holders may also need a state permit in order to land tunas. Please check with your local state fish/natural resource management office.

Q4: *Who can I sell tunas to?*

A: You can sell tunas only to permitted dealers. Dealers can obtain a tuna dealer permit by contacting the Northeast Region Permit Office at (978) 281-9370.

Q5: *What gear may I use to catch Atlantic tunas?*

A: The authorized gears for Atlantic tunas are rod and reel (including downriggers), handline, harpoon, bandit gear, longline, trap (pound nets and fish weirs), and purse seine. Only vessels with Atlantic tunas purse seine category permits may use purse seine gear. Vessels in other permit categories may use any other authorized gear to retain bigeye, albacore, yellowfin, or skipjack tunas. When fishing for bluefin tuna, however, only the gear type authorized for the particular Atlantic tunas or HMS permit category that you have may be used. These gear types are specified in the table below.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Atlantic tunas permit category	Authorized gear
General	Rod & reel (including downriggers), handline, harpoon, and bandit gear
Harpoon	Harpoon
Longline	Longline
Purse Seine	Purse Seine
HMS Charter/headboat	Refer to the Charter/headboat section

Q6: *Are driftnets banned in the Atlantic tuna fishery?*

A: Yes. However, NMFS recognizes that the prohibition on driftnets for Atlantic tunas would preclude a small coastal driftnet fishery from retaining its catch of skipjack. NMFS is interested in investigating the bycatch issues in this fishery and may issue Experimental Fishing Permits (EFPs) on a provisional basis to a limited number of coastal driftnet fishermen affected by the gear prohibition in order to collect more information on this fishery and help determine NMFS' future course of action. Individuals who wish to use driftnet gear when targeting species other than Atlantic tunas may apply to NMFS (978-281-9260) for an EFP to land incidentally caught tunas (other than bluefin). Finally, fishermen may continue to use driftnet gear to fish for bonito.

Q7: *When are the seasons for commercial bluefin tuna fishermen?*

A: The seasons are:

Atlantic tunas permit category	Open	Close
General	June 1	December 31, or when quota is filled
Harpoon	June 1	May 31, or when quota is filled
Purse Seine	August 15	December 31, or when quota is filled
Longline	June 1	May 31, or when quota is filled
Trap	June 1	May 31, or when quota is filled
HMS Charter/headboat	Refer to the Charter/headboat section later in this Guide	

Q8: *When is the fishing year for bigeye, albacore, yellowfin, and skipjack tunas?*

A: For all categories of tuna fishermen, the fishing year for bigeye, albacore, yellowfin, and skipjack tunas is June 1 to May 31.

Q9: *What are the annual domestic commercial quota allocations for bluefin tuna?*

A: The quota allocation percentages are set in the HMS FMP. The quotas shown below are based on the current U.S. landings quota negotiated at the International Commission for the Conservation of Atlantic Tunas. Actual annual quotas may vary due to quota over- and under-harvests, which are carried forward from year to year. Please contact the HMS Gloucester office (978-281-9260) for more information regarding current quotas for each category.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Atlantic tunas permit category	Percentage of bluefin tuna landings quota	Metric tons (mt), in whole weight based on total quota of 1,387 mt
General	47.1	653.3
Harpoon	3.9	54.1
Purse Seine	18.6	258.0
Longline	8.9	112.3
Northern	21.1	23.7
Southern	78.9	88.6
Trap	0.1	1.4

Q10: *Where is the separation for Atlantic Bluefin Tuna between “North” and “South” regions for the longline category?*

A: For the Longline category, the Northern area is north of 34°N and the Southern area is south of 34°N. The 34°N separation line is located at Cape Fear, North Carolina. Based on the comments received, NMFS is considering adjustments to this line. Call the HMS Gloucester office (978-281-9260) for updates.

Q11: *If I have a Longline category permit, how many bluefin tuna may I keep?*

A: North of 34°N: There is no trip limit.

However, the weight of Atlantic bluefin tuna retained must not exceed 2 percent by weight of the targeted catch landed and sold.

South of 34°N: From January 1 to April 30, one bluefin tuna per vessel per fishing trip may be landed if at least 1,500 pounds (680 kg) of other species are also landed and sold. From May 1 to December 31, one bluefin tuna per vessel per trip may be landed if at least 3,500 pounds of other targeted species

are also landed and sold. NMFS plans to propose regulations that may alter these catch restrictions.

Q12: *If I have a Harpoon category permit, how many bluefin tuna may I keep?*

A: In the Harpoon category, you may keep one bluefin measuring 73" to 81" curved fork length per trip per vessel. There is no limit on the number of bluefin tuna longer than 81" curved fork length that you may keep, as long as the Harpoon category season is open.

Q13: *If I have a General category permit, how many bluefin tuna may I keep?*

A: In the General category, you may keep one bluefin tuna, at least 73" curved fork length, per trip per vessel while the General category is open unless directed otherwise. During a General category closure, tag and release of bluefin tuna is allowed except on Restricted Fishing Days. To tag and release, you must have a tagging kit on board your vessel. These kits are available by calling the Cooperative Tagging Program at (800) 437-3936.

Q14: *How many bigeye, albacore, yellowfin, and skipjack tunas may a commercial fisherman keep?*

A: Currently there are no restrictions on the number of bigeye, albacore, yellowfin, and skipjack tunas that may be landed by a commercial vessel with an Atlantic tunas permit. Fishermen with pelagic longline gear on board must also have either a directed or incidental limited access shark permit and a directed or incidental limited access swordfish permit.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Q15: *What are the commercial minimum sizes for bluefin tuna?*

A: The minimum sizes for bluefin tuna are as follows:

1. General: 73" curved fork length;
2. Longline: 73" curved fork length;
3. Harpoon: 81" curved fork length, with allowance per trip of one 73" to 81";
4. Purse seine: 81" curved fork length, except for 15 percent per trip and 10 percent per fishing year allowance for bluefin tuna between 73" to 81", and a 1 percent incidental take of bluefin tuna less than 73" per trip which cannot be sold.

Q16: *What is the commercial minimum size for bigeye, albacore, yellowfin, and skipjack tunas?*

A: The minimum size for yellowfin and bigeye tuna landed in all tuna permit categories is 27" curved fork length. Currently, there are no minimum sizes for albacore and skipjack tuna.

Q17: *How do I measure the curved fork length of an Atlantic tuna?*

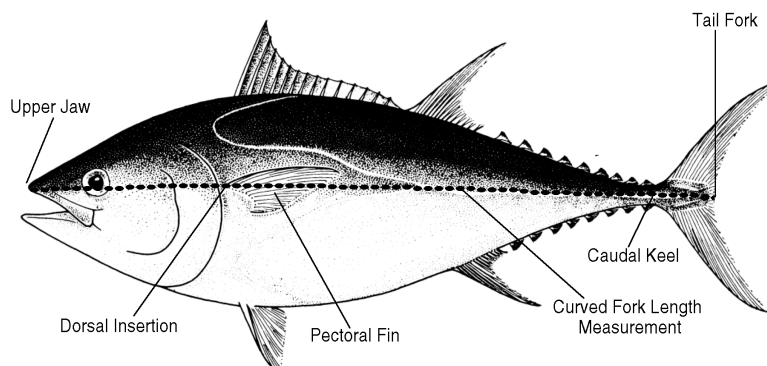
A: Measurements must be taken in a line, tracing the contour of the body from the tip of the upper jaw to the fork of the tail, which abuts the dorsal insertion of the pectoral fin and the dorsal side of the caudal keel. If the head has been removed, measurements must be taken from the dorsal insertion of the pectoral fin, tracing the contour of the body, to the fork of the tail. The tape must touch the top portion of the pectoral fin. This measure must be multiplied by 1.35. The resulting number is the curved fork length.

Q18: *What are the reporting requirements for commercial tuna fishermen?*

A: If NMFS sends you a letter telling you that you have been selected to complete logbook reports, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading. If NMFS sends you a letter telling you that you have been selected to carry an observer, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board in order to go fishing. In addition, all commercially landed bluefin tuna must be tagged by a permitted tuna dealer.

Q19: *What are the "days off" in the General category BFT fishery?*

A: The General category "days off", or Restricted-Fishing Days (RFDs) are used to moderate landings when catch rates are high. These RFDs vary from year to year, and are set by NMFS each year through a notice published in the Federal Register. On RFDs, vessels with General category permits are prohibited from fishing for BFT. To find out this year's RFDs and to keep up with adjustments, visit



See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

www.nmfspermits.com, or call (888) 872-8862 or (978) 281-9305 for recorded information.

Q20: *Can I dress any tuna I keep?*

A: You may remove the head, gut the fish, and remove most of the fins. However, the tail and at least one pectoral fin must remain attached through landing.

VI. COMMERCIAL SWORDFISH FISHING

Q1: *If I am a fisherman who sells swordfish, do I need a permit?*

A: Yes, you need a directed, incidental, or handgear swordfish permit. These permits are administered under a limited access program. Under the limited access program, NMFS is no longer issuing new swordfish permits. To obtain a permit, you must transfer a permit, within the upgrading restrictions, from someone who is leaving the fishery. For information on permit renewals and transfers please contact the Southeast Region Permit Office at (727) 570-5326.

Q2: *Who can I sell swordfish to?*

A: You can sell swordfish only to permitted dealers. Dealers can obtain a swordfish dealer permit by contacting the Southeast Region Permit Office at (727) 570-5326.

Q3: *What is the difference between the three types of permits?*

A: A directed or handgear permit allows fishermen to retain more swordfish than an incidental permit. Generally, directed or handgear swordfish permits allow fishermen to

target swordfish while incidental permits allow fishermen who normally fish for other species to land a limited number of swordfish.

Handgear swordfish permit holders may only use handgear (harpoon, rod and reel, bandit gear, handline) while directed and incidental swordfish permit holders may use any allowable gear type.

Q4: *If I have a handgear permit, how many swordfish may I keep?*

A: When the directed fishery is open, there is no bag limit. However, you can fish for swordfish with a handgear permit only if you do not have longline gear onboard. During a directed fishery closure, handgear fishermen who are not using harpoon may land two swordfish per trip. Fishermen using harpoon cannot land any swordfish during a directed fishery closure.

Q5: *If I have an incidental swordfish permit, how many swordfish may I keep?*

A: Five swordfish per trip may be kept if you fish with a trawl on a squid trip, and two swordfish per trip for all other authorized gears regardless of whether the directed fishery season is open or closed. However, once the incidental quota has been met, you may not retain any swordfish.

Q6: *If I have a directed swordfish permit, how many swordfish may I keep?*

A: When the directed north Atlantic swordfish fishery is open, there are no retention limits for swordfish landed by directed swordfish permit holders. When the directed north Atlantic fishery is closed, you may keep 15 swordfish from the north Atlantic per pelagic longline

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

trip, two swordfish per trip for handgear (other than harpoon), and no swordfish per trip for harpoon trips. Note that the retention limit may be adjusted. Please check with the HMS St. Petersburg office (727-570-5447) if the fishery is closed. There are no retention limits for swordfish in the south Atlantic when the directed fishery is open and pelagic longline is on board. However, when the south Atlantic fishery is closed, you cannot keep any south Atlantic swordfish.

Q7: *What kind of gear may I use to fish for swordfish?*

A: Longlines and handgear (handline, rod and reel, harpoon, bandit gear) are permitted in the swordfish fishery. Squid trawlers may land swordfish, subject to incidental catch limits as described above. Driftnet gear is now banned in the Atlantic swordfish fishery.

Q8: *What is the annual quota for North Atlantic swordfish?*

A: U.S. domestic quota percentage for swordfish are negotiated at the International Commission for the Conservation of Atlantic Tunas (ICCAT). Currently, the annual directed fishery quota for the north Atlantic swordfish stock is 1,919 metric tons (mt) dressed weight (dw). The directed fishery quota is divided into two equal semi-annual quotas of 959.5 mt dw. There is also an annual incidental catch quota for the north Atlantic swordfish stock of 300 mt dw. No incidental harvest is authorized for the south Atlantic swordfish stock. The quotas are adjusted annually based on over- and under-harvests, overages of the dead discard allowance, and changes in the amount allocated to the United States at ICCAT. Please contact the HMS St. Petersburg Office at (727) 570-

5447 for the latest quota information.

Q9: *What is the dead discard allowance for swordfish?*

A: All swordfish that are discarded dead from U.S. fishing vessels, regardless of the permit type held by the vessel, are counted against the dead discard allowance. Any overages of the dead discard allowance are counted against the annual quota for the following fishing year. For the fishing year beginning June 1, 2001, the dead discard allowance is 240 mt whole weight (ww). For the fishing year beginning June 1, 2002, the dead discard allowance is 160 mt ww. Discussions on future dead discard allowances, including reducing the dead discard allowance to zero, will be held at the 2002 International Commission for the Conservation of Atlantic Tunas meeting.

Q10: *When is the fishing year for the commercial swordfish fishery?*

A: The fishing year is from June 1 to May 31 of the following year. The quota is divided into two semi-annual seasons. The first season runs from June 1 through November 30 and the second runs from December 1 through May 31 of the following year.

Q11: *What is the minimum size for north Atlantic swordfish?*

A: The minimum size for north Atlantic swordfish is:

1. 29" (73 cm) from cleithrum to caudal keel;
2. 47" (119 cm) lower jaw fork length; or,
3. 33 lbs (15 kg) dressed weight (dw).

A swordfish that is damaged by shark bites

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

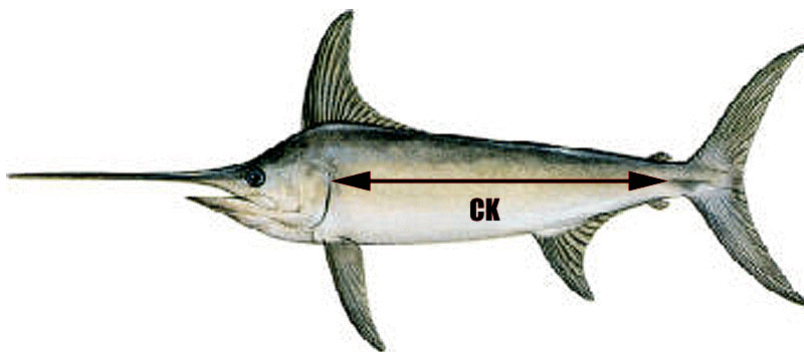
may be retained only if the remainder of the carcass meets one of the above minimum sizes.

Q12: *How do I measure the size of an Atlantic swordfish?*

A: Swordfish can be measured along the body contour from the cleithrum, (semicircular bony structure that forms the posterior edge of the gill opening), to the anterior portion of the caudal keel (CK). This measurement must be made at the point on the cleithrum that provides the shortest possible cleithrum to caudal keel measurement. Swordfish can also be measured from the tip of the lower jaw to the fork of the tail, for a lower jaw fork length (LJFL). The CK measurement is described in the figure below. Please see the Billfish section for the figure regarding the LJFL measurement.

Q13: *What are the reporting requirements for commercial swordfish fishermen?*

A: If NMFS sends you a letter telling you that you have been selected to complete logbook reports, you must complete a logbook within 48 hours of each day's fishing activities for multi-day trips, or before offloading for one-day trips, and submit the logbook within 7 days of offloading. If NMFS sends you a letter telling you that you have been selected to carry an observer aboard your vessel, you must inform NMFS when you will be taking a trip and if that trip is selected, you must have a NMFS observer on board in order to go fishing. However, once the incidental quota has been met, you may not retain any swordfish.



Q14: *Can I dress any swordfish I keep?*

A: Yes, you may gut and remove the head of the swordfish. However, you may not cut the remaining carcass into pieces while on your vessel.

VII. HMS DEALERS AND IMPORTERS

Q1: *Do dealers and importers of bluefin tuna need to have a special permit?*

A: Yes, anyone who buys Atlantic bluefin tuna from U.S. vessels or imports bluefin tuna from any ocean area must have an Atlantic Tunas dealer permit. Dealers must report to NMFS all bluefin tuna purchased from U.S. vessels through landings and biweekly reports, and all imported or exported bluefin must be accompanied by a Bluefin Statistical Document (BSD). Atlantic Tunas dealer permits are issued by NMFS' Northeast Region Office at (978) 281-9370.

Q2: *Do dealers and importers of swordfish need to have a special permit?*

A: Yes, anyone who buys or imports swordfish must have a dealer permit. Dealers must report

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

to NMFS all swordfish purchased from U.S. vessels through biweekly reports. Each swordfish import shipment must be accompanied by a Swordfish Certificate of Eligibility (COE). A Swordfish COE attests that the swordfish was harvested from an ocean area other than the Atlantic Ocean or that the fish parts (e.g. steaks or portions) were derived from a swordfish harvested in the Atlantic Ocean that weighed at least 33 pounds dressed weight at harvest. To obtain a swordfish dealer permit, please call the Southeast Regional Permit Office at (727) 570-5236. For more information on the reporting requirements for swordfish dealers or importers, call Greg Power at (978) 281-9304 for North Carolina to Maine information or John Poffenberger at (305) 361-4263 for information for any other location.

Q3: *Do dealers of sharks need to have a special permit?*

A: Yes, anyone who buys Atlantic sharks must have a dealer permit. Permits can be obtained by calling the NMFS' Southeast Permit Office at (727) 570-5326. Dealers must report to NMFS all shark purchased from U.S. vessels through biweekly reports. Dealers must only purchase sharks harvested from a vessel that has a valid commercial permit for shark, except that dealers may purchase a shark harvested by a vessel that does not have a commercial permit for shark if that vessel fishes exclusively in state waters. Dealers may not purchase from an owner of a fishing vessel shark fins that are disproportionate to the weight of shark carcasses landed, i.e., the wet fins may not exceed 5 percent of the dressed weight of the carcasses.

Q4: *If I buy billfish that was caught in the Pacific Ocean, do I need to document it?*

A: Yes. Outside of Pacific coast states, all billfish must be accompanied by the billfish Certificate of Eligibility indicating that the fish is not Atlantic billfish.

Q5: *Can I buy or sell Atlantic billfish?*

A: No.

VIII. RECREATIONAL SHARK FISHING

Q1: *If I do not intend to sell my sharks, do I need a permit?*

A: Private anglers who do not sell sharks (i.e., recreational fishermen) are not required to hold a permit at this time unless they intend to land more sharks than allowed under the bag limit. However, charterboat and headboat owner/operators are required to have an annual HMS Charter/headboat permit. For more information on HMS Charter/headboat permits, please see the Charter/headboat section below. NMFS is proposing a rule that would require all HMS anglers to obtain an HMS angling permit.

Q2: *What gears can I use in the recreational shark fishery?*

A: You may use rod and reel, handline, and bandit gear.

Q3: *Are there any prohibited shark species?*

A: Yes. The 19 prohibited species are listed below. Recreational fishermen are not allowed to possess these species. If you catch one, you

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

must release it in the water with minimal injury in a method that maximizes its survival.

Prohibited Shark Species	
Atlantic angel	Night
Basking	Sevengill
Bigeye thresher	Sixgill
Bignose	Bigeye sixgill
Caribbean reef	Sand tiger
Caribbean sharpnose	Bigeye sand tiger
Dusky	Smalltail
Galapagos	Whale
Longfin mako	White
Narrowtooth	

Q4: *What shark species may I keep?*

A: Sharks are managed in different species groups. The species groups and the species within each group that may be kept are:

Species Group	Shark Species that can be retained	
Large Coastal Sharks	Sandbar Tiger Spinner Bull Smooth hammerhead Scalloped hammerhead Great hammerhead	Silky Blacktip Lemon Nurse
Small Coastal Sharks	Atlantic sharpnose Finetooth	Blacknose Bonnethead
Pelagic Sharks	Shortfin mako Thresher Oceanic whitetip	Blue Porbeagle
Deepwater and other	Catsharks Dogfish (except spiny dogfish) Sawsharks Smoothhound	

Q5: *How many sharks may I keep?*

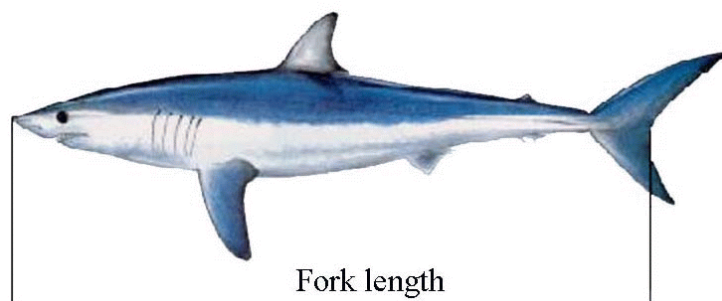
A: Recreational fishermen are allowed to keep one shark (any of the allowed species) per vessel per trip, subject to the minimum size. In addition, there is an allowance of one Atlantic sharpnose per person per trip, with no minimum size.

Q6: *What if I want to keep more sharks than are allowed under the bag limit?*

A: If you want to keep a greater number of sharks than is allowed under the bag limit, you must have a commercial shark permit. Please see the section on commercial shark fishing earlier in this guide.

Q7: *What is the minimum size?*

A: Except for Atlantic sharpnose, recreational fisherman can only keep allowed shark species that are larger than 4.5 feet fork length. There is no minimum size for Atlantic sharpnose sharks.



See the last two pages of this Guide for a list of contacts.
Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.
June 2002

Q8: *May I dress the sharks that I keep?*

A: No, recreational fishermen must land sharks with the head, fins, and tail attached. You are allowed to gut and bleed the sharks by making an incision at the base of the tail as long as the caudal fin is still attached.

Q9: *Are there any monitoring or reporting requirements for recreational shark anglers?*

A: If contacted on the dock or by phone, recreational anglers are encouraged to cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

IX. RECREATIONAL TUNA FISHING

Q1: *If I am a recreational angler, do I need a permit to land Atlantic tunas?*

A: Yes, private vessel owners who fish recreationally for Atlantic bluefin tuna in the school, large school, and small medium size classes and other tunas such as bigeye, albacore, yellowfin, and skipjack tunas must obtain a permit in the Angling category. Please see the table below on the size classes for bluefin tuna. Charter/headboats are also required to obtain an HMS Charter/headboat permit to fish for tunas listed above. A permit is not required to fish for Atlantic blackfin tuna or Atlantic bonito.

Q2: *How do I apply for an Atlantic tunas or HMS Charter/headboat permit?*

A: Atlantic tunas or an HMS Charter/headboat permit can be obtained via the Internet, or by

mailing in a application. See the NMFS Contact List at the end of this Guide for more information.

Q3: *May I sell my tunas?*

A: Atlantic tunas may only be sold by fishermen permitted in a commercial category. If you have an Angling category permit, you may not sell tunas.

Q4: *What are the allowable gear types in the Angling category?*

A: Recreational anglers are allowed to use rod and reel (including downriggers and rodholders) or handline.

Q5: *When is the fishing year for recreationally landed bluefin, bigeye, albacore, yellowfin, and skipjack tunas?*

A: The recreational fishing year is from June 1 to May 31, or, for bluefin, until the quota has been met. This also applies to charter/headboats fishing under the bluefin tuna Angling category quota.

Q6: *What are the fishing seasons for recreational angling for tunas?*

A: The tuna fishing season for private recreational anglers opens June 1 and closes May 31 or when the quota for the category is met (for bluefin tuna). Seasons and recreational retention limits for school, large school, and small medium bluefin tuna change seasonally. Therefore, anglers should visit www.nmfspermits.com, or call (888) 872-8862 or (978) 281-9305 to check the current retention limits. Recreational anglers are limited to one large medium or giant bluefin

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

tuna (“trophy”) per vessel per year that may not be sold. See above for reporting requirements for recreational bluefin landings. Currently, there are no seasonal restrictions on recreational fishing for tuna species other than bluefin.

Q7: *What are the annual quotas for recreationally landed bigeye, albacore, yellowfin, and skipjack tunas?*

A: There are currently no U.S. domestic quotas for bigeye, albacore, yellowfin, and skipjack tunas.

Q8: *What are the fishing year quotas in the Angling category for bluefin tuna?*

A: The quota allocation percentages for all bluefin tuna categories are set in the HMS FMP. The Angling category is allocated 19.7 percent of the U.S. domestic landings quota. The 2002 U.S. landings quota, not including carryover adjustments from 2001, is 1,387 mt, so the annual Angling category quota is 273.2 mt. Actual annual quotas may vary due to quota over- and under-harvests, which are carried forward from year to year. The Angling category quota is subdivided by size class of fish and area landed. These subdivisions are shown in the table below.

Atlantic tuna size category	Percentage Allocation	2002 Quota
School	8% of total U.S quota	111.0 mt
Reserve	18.5 % of school quota	20.5 mt
North	47.2 % after sch. reserve	42.7 mt
South	52.8 % after sch. reserve	47.8 mt
Lg. Sch./ Sm. Med.	57.1% of Angling quota	155.9 mt
North	47.2 % of lg sch/sm med	73.6 mt
South	52.8 % of lg sch/sm med	82.3 mt

Trophy	2.3% of Angling quota	6.3 mt
North	33.3 % of Trophy quota	2.1 mt
South	66.7 % of Trophy quota	4.2 mt

Q9: *Where is the separation between “North” and “South” regions for the bluefin tuna Angling category quota?*

A: The North area is north of 39°18'N (North of Great Egg Inlet, NJ), while the South area is south of 39°18'N (Great Egg Inlet, NJ, and South).

Q10: *If I have an Angling category permit, how many bluefin, bigeye, albacore, yellowfin, and skipjack tunas may I keep?*

A: Seasons and recreational retention limits for school, large school, and small medium bluefin tuna change seasonally. Therefore, anglers should visit www.nmfspermits.com, or call (888) 872-8862 or (978) 281-9305 to check the current retention limits. Recreational anglers are limited to one large medium or giant bluefin tuna (“trophy”) per vessel per year that may not be sold. See above for reporting requirements for recreational bluefin landings. Anglers may retain three yellowfin tuna per person per trip. There are currently no recreational retention limits for bigeye, albacore, and skipjack tunas.

Q11: *What are the minimum sizes for landing bluefin, bigeye, albacore, yellowfin, and skipjack tunas in the recreational fishery?*

A: The minimum size is 27" curved fork length for bluefin, yellowfin and bigeye tunas. There is currently no minimum size for albacore or skipjack. Please see the figure in the Commercial Tuna section for instructions

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

on measuring curved fork length.

Q12: *What are the reporting requirements for tunas landed by recreational anglers?*

A: Recreational landings of bluefin tuna must be reported within 24 hours of landing to the NMFS Automated Catch Reporting system (call (888) 872-8862 or visit www.nmfspermits.com) or, in North Carolina or Maryland, to a reporting station. In North Carolina, call the North Carolina Harvest Tagging Program at (800) 338-7804. In Maryland, call the Maryland Department of Natural Resources at (410) 213-1531 for reporting station locations. If contacted on the dock or by phone, recreational anglers are encouraged to cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q13: *What are the size class categories for bluefin tuna in the recreational fishery?*

A: Curved fork length (CFL) is the sole criterion for determining the size class of Atlantic tunas but pectoral fin curved fork length (PCFL) and approximate whole weight (ww) are provided as well. The size classes for bluefin tuna are below. Please see the figure in the Commercial Tuna section for instructions on measuring curved fork length.

Size class	Bluefin tuna size
Young school	< 27" CFL; < 20" PCFL; or < ~ 14 lbs ww
School	27 - 47" CFL; 20 - 35" PCFL; or ~ 14 - 66 lbs ww
Large School	47 - 59" CFL; 35 - 44" PCFL; or ~ 66 - 135 lbs ww

Small Medium	59 - 73" CFL; 44 - 54" PCFL; or ~ 135 - 235 lbs ww
Large Medium	73 - 81" CFL; 54 - 60" PCFL; or ~ 235 - 310 lbs ww
Giant	> 81" CFL; > 60" PCFL; or > ~ 310 lbs ww

Q14: *Am I allowed to fish for tuna without a vessel, e.g. from shore, from an oil rig, etc.?*

A: Only persons on board permitted vessels may fish for Atlantic bluefin, bigeye, yellowfin, albacore, or skipjack tunas in the U.S. EEZ, including the Gulf of Mexico and Caribbean Sea.

Q15: *Can I dress any tuna I keep?*

A: You may remove the head, gut the fish, and remove most of the fins. However, the tail and at least one pectoral fin must remain attached through landing.

X. RECREATIONAL SWORDFISH FISHING

Q1: *If I do not intend to sell my swordfish, do I need a permit to catch Atlantic swordfish?*

A: Private anglers who do not sell swordfish (i.e., recreational fishermen) are not required to hold a permit at this time. However, charterboat and headboat owner/operators are required to have an annual HMS charter/headboat permit. For more information on HMS Charter/headboat permits, please see the charter/headboat section below. NMFS is proposing a rule that would require all HMS anglers to obtain an HMS angling permit.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Q2: *What gears may I use to catch swordfish recreationally?*

A: Longlines and handgear (handline, rod and reel, harpoon, bandit gear) are permitted in the recreational swordfish fishery. NMFS currently has a rule that proposes limiting the recreational fishery to handgear. Call the HMS St. Petersburg office (727-570-5447) for updates.

Q3: *Is there a minimum size?*

A: Yes. The minimum size is 29" (73 cm) from cleithrum to caudal keel, or 47" (119 cm) lower jaw fork length. Please see the figure in the Commercial swordfish section for instructions on the cleithrum to caudal keel measurements and the Billfish section for instructions on measuring lower jaw fork length.

Q4: *Is there a bag limit?*

A: You may not recreationally land Atlantic swordfish south of 5°N latitude. Currently, there are no bag limits for Atlantic swordfish landed north of 5°N latitude. However, NMFS has recently proposed a bag limit of one swordfish per vessel per trip.

Q5: *What are the monitoring and reporting requirements for recreational swordfish?*

A: If contacted on the dock or by phone, recreational anglers are encouraged to cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q6: *Can I dress any swordfish I keep?*

A: You may gut and remove the head of the swordfish. However, you may not cut the remaining carcass into pieces while on your vessel.

XI. BILLFISH FISHING

Q1: *What if I encounter Atlantic billfish while commercial fishing?*

A: Atlantic Billfish cannot be sold or purchased and vessels with pelagic longline gear on board are prohibited from retaining Atlantic billfish. These prohibitions extend throughout the Atlantic Ocean for blue and white marlin. All billfish caught on pelagic longline gear must be removed by either cutting the leader or by using a dehooking device. In all cases, blue and white marlin caught by a pelagic longline anywhere in the Atlantic Ocean, or sailfish and longbill spearfish caught shoreward of the outer boundary of the Atlantic EEZ, must be released without removing the fish from the water.

Q2: *If I do not sell fish, do I need a permit to fish for Atlantic billfish?*

A: Private anglers who do not sell fish (i.e., recreational fishermen) are not required to hold a permit at this time. However, charterboat and headboat owner/operators are required to have an annual HMS Charter/head boat permit. For more information on HMS Charter/headboat permits, please see the Charter/headboat section below. NMFS is proposing a rule that would require all HMS anglers to obtain an HMS angling permit.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Q3: *What gears may I use to fish for Atlantic billfish?*

A: You may only use rod and reel to fish for Atlantic billfish. You may not possess or retain Atlantic billfish if pelagic longline gear is on board the vessel.

Q4: *When is the fishing year for Atlantic billfish?*

A: The fishing year for Atlantic billfish is June 1 to May 31.

Q5: *Is there a bag limit?*

A: You may not keep longbill spearfish. There are no retention limits for Atlantic sailfish, blue marlin and white marlin, although NMFS encourages recreational anglers to release all billfish alive.

Q6: *What are the minimum sizes for Atlantic billfish landed in the recreational fishery?*

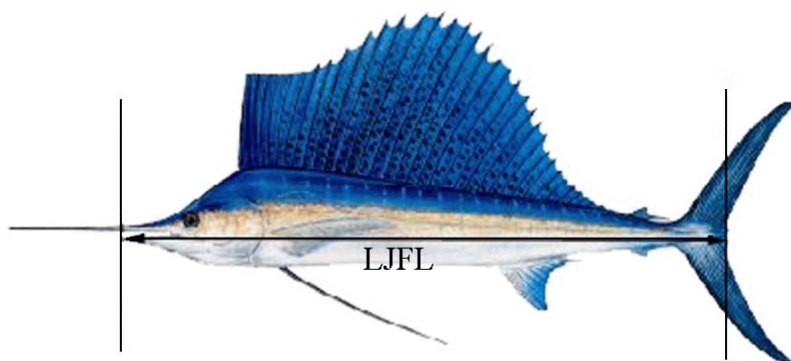
A: The minimum sizes in lower jaw fork length (LJFL) are:

Billfish species	Minimum size
Blue Marlin	99" (251 cm) LJFL
White Marlin	66" (168 cm) LJFL
Sailfish	63" (160 cm) LJFL
Spearfish	Retention prohibited.

Q7: *How do I correctly measure lower jaw fork length?*

A: Lower jaw fork length (LJFL) is a straight line measurement from the tip of the lower jaw to the fork of the caudal fin. The figure of the

sailfish below demonstrates how to take this measurement.



Q8: *What are the reporting requirements for recreational anglers targeting billfish?*

A: If contacted on the dock or by phone, recreational anglers are encouraged to cooperate in the Large Pelagic Survey (LPS) or Marine Recreational Fisheries Statistics Survey (MRFSS) to facilitate scientific research on these species.

Q9: *If I am a recreational angler who participates in tournaments in parts of the Atlantic outside the U.S. EEZ, (for example, in the Caribbean), do I have to comply with U.S. domestic regulations?*

A: Depending on your circumstances, the answer to this question may change. Generally, U.S. flagged vessels are required to comply with U.S. domestic regulations that pertain to Atlantic HMS while fishing in the Atlantic. Some U.S. citizens, even on foreign flagged vessels, may need an exempted fishing permit. Please call HMS Headquarters at (301) 713-2347 to discuss your specific situation.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Q10: *Are the billfish I release alive considered as bycatch?*

A: If you are a commercial fishermen (i.e., you sell fish) any billfish caught is considered bycatch. However, if you are a recreational angler (i.e., you do not sell fish), any billfish released alive is not considered bycatch. NMFS established a recreational catch-and-release fishery management program for Atlantic billfish in recognition of the unique characteristics of the billfish fishery.

Q11: *Can I dress any billfish that I keep?*

A: Billfish must be landed with its head, fins, and bill intact through landings. You may gut the fish as long as it is otherwise maintained in whole condition.

XII. CHARTER/HEADBOAT FISHING

Q1: *Do Charter/headboats need a permit?*

A: Yes. All charter/headboats that fish for or possess an HMS must have an HMS Charter/headboat permit. Atlantic HMS Charter/headboat permits are obtained through the same system as Atlantic tunas permits - via the Internet, or by mailing in a application. See the NMFS Contact List at the end of this Guide for more information.

Q2: *If I have an HMS Charter/headboat permit, do I need to keep a logbook and have a NMFS observer on board?*

A: If NMFS sends you a letter telling you that you have been selected to complete a logbook, you must complete a logbook within 48 hours of each day's fishing activities for multi-day

trips or before offloading for one-day trips. You must submit the logbook to NMFS within 7 days of offloading highly migratory species. You do not have to have an observer on board, but you may participate in a voluntary charter/headboat observer program. If you are interested in participating in the voluntary observer program please contact the HMS Headquarters Office at (301) 713-2347.

Q3: *What gear types may I use with a Charter/headboat permit?*

A: If you are fishing for Atlantic bluefin tuna, you are only allowed to use rod and reel (including downriggers) and handline. If you are fishing for other tunas, you may use any gear type authorized for tuna fishing. For the other species, the authorized gear is species-specific. NMFS currently has a proposed rule that would clarify some of these issues for Charter/headboat permit holders.

Q4: *I hold an HMS Charter/headboat permit, often take charters to catch yellowfin tuna, and use my permit to land yellowfin tuna commercially. Am I restricted to the recreational retention limit for yellowfin tuna at all times?*

A: Yes. The recreational retention limit of three yellowfin tuna per person per day applies to vessels with Atlantic HMS Charter/headboat permits. NMFS currently has a proposed rule that would make a distinction between vessels with a Charter/headboat permit who have fee paying passengers aboard and those who do not have fee paying passengers aboard. This proposed rule, if implemented, could adjust the yellowfin tuna bag limit accordingly.

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Q5: *What is the fishing year for charter/headboat fishing?*

A: Fishing years are based on species, not permit type. However, if you are fishing for bluefin tuna, the fishing year begins on May 31 until the quota is filled. If fishing is allowed under the General category quota, the fishing closes on December 31. For other species, please see the appropriate commercial section above to determine fishing year.

XIII. HMS TOURNAMENTS

Q1: *If I am a tournament operator, do I need to register my tournament with NMFS?*

A: Yes, if you operate a tournament that requires participants to register, or enter, or in which a prize or award is offered for Atlantic highly migratory species and the tournament is conducted from a port in an Atlantic coastal state, including the U.S. Virgin Islands and Puerto Rico, you must notify NMFS of the dates and location of the tournament at least 4 weeks prior to commencement of the tournament. NMFS will select a sample of tournaments for reporting. If NMFS sends you a letter telling you that you have been selected, you must submit your information to NMFS within 7 days after tournament fishing ends. To register your tournament, please call the HMS St. Petersburg Office at (727) 570-5447.

XIV. HMS EXEMPTED FISHING PERMITS

Q1: *What are exempted fishing permits?*

A: Exempted fishing permits for HMS are generally issued to authorize activities otherwise prohibited by the Atlantic HMS

regulations. Such permits are at times necessary to facilitate the conduct of scientific research or the acquisition of data for species that would otherwise be prohibited for harvesting, for the enhancement of safety at sea, for the purpose of collecting animals for public education or display, for investigating means of reducing bycatch, economic discards or regulatory discards, or for the purpose of limited testing of fishing gear and methods. More importantly, this process can facilitate the collection of information to determine if regulatory changes are needed.

Q2: *How do I apply for an exempted fishing permit?*

A: Applications for exempted fishing permits must be mailed to HMS Headquarters and must include: the date of the application; the applicant's name, address, and telephone number; a statement of the purpose, goal, justification of the fishing activity, and the need for an exempted fishing permit; for each vessel, a copy of the U.S. Coast Guard documentation or state license and the current name and address of the vessel's owner; the species expected to be harvested under the permit (incidental and target); the amount of fish likely to be harvested; the likelihood that species to be released alive will be released with a minimum of injury; the arrangements for disposition of all regulated species (including a description of the facilities where the animals will be maintained if for display purposes); anticipated impacts on marine mammals, sea turtles, and sea birds; the approximate times and places the fishing will take place; the type, size, and amount of gear to be used; and the signature of the applicant. Any activity needing an exempted fishing permit is subject to the conditions specified in the permit

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

including the submission of fishing reports. Exempted fishing permits can take up to 60 days to process. Applications are not always approved.

XV. HMS OBSERVER COVERAGE

Q1: *What does an observer do?*

A: An observer collects biological information on all the fish or other species caught. Often times this information is not required on logbook forms such as the species sex and size. The observer also records information that is similar to that recorded on logbooks such as the gear used, fishing location, and the number of fish caught and discarded. The information collected is used in stock assessments and to help NMFS verify logbook information. The observer must have access to navigation equipment, logbook records, communication equipment, and other equipment in order to perform his/her job. The observer is not an enforcement officer and will not “turn you in” if he/she observes illegal fishing activity. The observer should be able to provide you with basic information regarding regulations and should help fishermen release any protected species appropriately.

Q2: *Do I need to carry an observer?*

A: If you are notified by NMFS in writing that your vessel is selected, you are required to carry an observer on every trip unless notified otherwise. Information on how to comply with the observer requirement is included in the package that notifies you of your selection. If you are selected, you must comply with all U.S. Coast Guard and NMFS safety regulations.

These regulations include having a valid safety decal for your vessel, having a useable life raft that will fit everyone on the vessel, including the observer, and providing the observer with the same accommodations as any crew member. Additional information regarding these regulations are included on the selection letter. You will be compensated for any food eaten by the observer for the duration of the trip. Harassing an observer or preventing an observer from carrying out his/her duties is illegal.

XVI. UPCOMING RULES AND EVENTS

The following is a list of rules that were proposed when this compliance guide was drafted, rules that were expected to be proposed shortly, or events that could modify the regulations described here. This list does not signify that these rules will be finalized as proposed. Rather they are included to give the reader an idea of what regulations may have changed since the publication of this Guide.

Proposed rules

1. Recreational billfish and swordfish monitoring and reporting
2. Swordfish recreational bag limit
3. Charter/headboat permit clarifications
4. Permits for all HMS recreational anglers
5. Bluefin tuna incidental catch limits
6. Implementation of the 2001 Biological Opinion for sea turtles

Upcoming events or possible regulations

1. 2002 Large coastal shark stock assessment
2. 2002 Small coastal shark stock assessment
3. Annual International Commission for the Conservation of Atlantic Tunas Meeting and stock assessments

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

4. 2004 Pelagic shark stock assessment
5. Changes in limited access program regarding upgrading restrictions, species- or gear-based permits, and swordfish trip limits
6. Changes to the fishing years

XVII. CONTACT LIST

NMFS HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION

Christopher Rogers, Chief

<http://www.nmfs.noaa.gov/sfa/hmspg.html>

HMS information line (*recorded information only*): (800) 894-5528

HMS Headquarters Office:

Phone: (301) 713-2347

Fax: (301) 713-1917

1315 East-West Highway, NMFS/SF1
Silver Spring, MD 20910

Species and Regulations

Sharks

Pelagic and bottom longline

Protected Species

Shark and Swordfish Limited Access

Exempted fishing permits

Fax network

HMS Gloucester Office

Phone: (978) 281-9260

Fax: (978) 281-9340

One Blackburn Drive, NMFS/SF1
Gloucester, MA 01930-2298

Species and Regulations

Atlantic tunas

Atlantic tunas dealer reporting

Bluefin tuna Statistical Document Program

Charter/headboat operations

HMS St. Petersburg Office

Phone: (727) 570-5447

Fax: (727) 570-5656

9721 Executive Center Drive
St. Petersburg, FL 33702-2432

Species and Regulations

Billfish

Swordfish

Tournament registration

Billfish and Swordfish Certificate of Eligibilities

FISHING AND DEALER PERMITS

NMFS Southeast Regional Permit Office - for Atlantic Shark and Swordfish Vessel and Dealer permits

Phone: (727) 570-5326

Fax: (727) 570-5583

9721 Executive Center Drive North

St. Petersburg, FL 33702

Webpage:

<http://caldera.sero.nmfs.gov/fishery/permits/permit.htm>

Atlantic tunas and Atlantic HMS Charter/headboat Vessel Permits - Automated Permitting System

Phone: (888) 872-8862

Webpage: <http://www.nmfspermits.com/>

NMFS Northeast Region Permit Office - for Atlantic Tunas Dealer Permits

Phone: (978) 281-9370

Fax: (978) 281-9366

One Blackburn Drive

Gloucester, MA 01930

NMFS ENFORCEMENT OFFICES

Ellsworth, ME	(207) 664-0508
Portland, ME	(207) 780-3241
Portsmouth, NH	(603) 436-3186
Manchester, MA	(978) 526-4802
Gloucester, MA	(978) 281-9213
Braintree, MA	(781) 843-9267
New Bedford, MA	(508) 992-7711
Shinnecock, NY	(631) 728-5162
Brielle, NJ	(732) 528-3315
Marmora, NJ	(609) 390-8303
Salisbury, MD	(410) 543-8704
Newport News, VA	(757) 595-2692
Atlantic Beach, NC	(252) 808-2393
Charleston, SC	(843) 308-9861
Brunswick, GA	(912) 261-8242
Titusville, FL	(321) 269-0004
Miami, FL	(305) 652-2048
Marathon, FL	(305) 743-3110
Fort Meyers, FL	(941) 334-2575

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002

Sarasota, FL (941) 359-3920
St. Petersburg, FL (727) 570-5344
Niceville, FL (850) 729-8628
Carriere, MS (601) 798-9535
Dickinson, TX (409) 766-3701
Harlingen, TX (956) 423-3450
San Juan, PR (787) 749-4405

24-Hour Enforcement Hotline

(800) 853-1964

The NMFS Office of Law Enforcement maintains a 24-hour hotline for the public to report potential violations of Atlantic HMS regulations. This number should be used only to report potential violations, not for general information, concerning Atlantic HMS.

U.S. COAST GUARD

Coast Guard Hotline (800) SAVE-FISH

Coast Guard Regulations

Commercial vessels are subject to the Fishing Vessel Safety Act of 1988. For information, contact your local Coast Guard office:

Maine to New York (617) 223-8315
New Jersey to North Carolina (757) 398-6304
South Carolina to Florida (305) 536-5091
Gulf of Mexico (504) 589-4999

COOPERATIVE TAGGING PROGRAMS

To obtain a TUNA tagging kit or report a tag recovery:
(800) 437-3936

To obtain a SHARK tagging kit or report a tag recovery write:

APEX Predator Program
NOAA/NMFS
28 Tarzwell Drive
Narragansett, RI 02882

or visit www.nefscsharks.nmfs.gov.

**To report bluefin tuna recreational landings
in North Carolina or Maryland:**

North Carolina Harvest Tagging Program
(800) 338-7804

Maryland Department of Natural Resources
(410) 213-1531

See the last two pages of this Guide for a list of contacts.

Regulations are subject to change. See 50 CFR part 635 for official regulations on Atlantic HMS.

June 2002